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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/374,740 | 08/13/1999 | PAUL AUSTIN | 5150-32801 | 4091 |

7590 08/20/2003

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EXAMINER

EDELMAN, BRADLEY E

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2153

DATE MAILED: 08/20/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/374,740

Applicant(s)

AUSTIN ET AL.

Examiner

Bradley Edelman

Art Unit

2153

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 August 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-34, 36-57.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


Dung C. Dinh
Primary Examiner

DETAILED ACTION

This correspondence is in response to Applicant's arguments after final rejection, submitted on August 11, 2003.

Amendments to the Claims

1. Applicant has amended claims 3 and 19 after final rejection. These amendments will be entered upon appeal because they do not significantly change the scope of the claimed subject matter. Instead, they broaden the scope of independent claims 3 and 19 to a small degree, and thus would be rejected for the same reasons stated in the final office action.

Response to Arguments

2. Applicant's arguments filed August 11, 2003 have been fully considered but they are not persuasive. The following arguments are noted:

a. Viswanathan teaches away from any proposed combination with Pallman, because Viswanathan teaches a file system for a cluster, containing a single, global file space for all files stored on a cluster, while Pallman teaches using the Internet to allow file access to users anywhere in the world.

b. Viswanathan further teaches away from any proposed combination with Pallman because the device access taught by Viswanathan can only be performed by computers that are part of the cluster using a single file system and operating system operating

system kernel, whereas the Internet as taught by Pallman uses a plethora of operating systems and allows communication independently of any particular operating system.

c. Viswanathan teaches that configuration information for devices in the cluster is stored in a file, but amended claims 3 and 19 require that the configuration information is stored in a URL.

In considering (a), Applicant contends that Viswanathan teaches away from any proposed combination with Pallman, because Viswanathan teaches a file system for a cluster, containing a single, global file space for all files stored on a cluster, while Pallman teaches using the Internet to allow file access to users anywhere in the world. Examiner respectfully disagrees. The system taught by Viswanathan teaches a network system for allowing access to devices on a storage system and for automatically generating logical names for those devices (see col. 4, lines 54-60; col. 6, lines 35-40, 59-67). Examiner agrees that Viswanathan does not teach the use of the Internet. However, this does not mean that Viswanathan teaches away from using the Internet. Rather, Viswanathan is silent regarding the use or adaptation of this system for the Internet, and states, "while the present invention has been described with reference to a few specific embodiments, the description is illustrative of the invention and is not to be construed as limiting the invention. Various modifications may occur to those skilled in the art without departing from the true spirit and scope of the invention..." (col. 18, lines 7-12). The purpose of the system taught by Viswanathan is to provide a global file system that enables a user to view and access all conventional files and devices on the

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cluster *no matter where the files are hosted* (see col. 1, lines 11-20). Thus, given both the teaching of Pallman (col. 9, lines 8-10), and the admission by Applicant that the Internet provides a worldwide communication system (see Applicant's response filed on August 11, 2003, p. 15, ¶ 2), it would have been obvious to a person having ordinary skill in the art to expand the file access system taught by Viswanathan to include worldwide Internet access, to allow access to files stored on the Internet so that users can access any files or devices on the Internet "*no matter where the files are hosted.*" Thus, Viswanathan actually provides motivation for why one would desire to extend the use of the system to the Internet.

In considering (b), Applicant contends that Viswanathan further teaches away from any proposed combination with Pallman because the device access taught by Viswanathan can only be performed by computers that are part of the cluster using a single file system and operating system operating system kernel, whereas the Internet as taught by Pallman uses a plethora of operating systems and allows communication independently of any particular operating system. Examiner respectfully disagrees, for reasons similar to point (a) above. Notably, Applicant admits that "it is well known that computers connected to the Internet utilize a plethora of different operating system and that communication over the Internet is performed largely independently of any particular operating system or file system." See *id.* For this very reason, it would have been obvious to extend the system taught by Viswanathan to the Internet, so that file

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and device access would not be confined to a single operating system, but could be utilized worldwide, regardless of operating system.

In considering (c), Applicant contends that Viswanathan teaches that configuration information for devices in the cluster is stored in a file, but amended claims 3 and 19 require that the configuration information is stored in a URL. Examiner respectfully disagrees. Viswanathan teaches that the logical name contains information such as "/dev/dsk/c0t0d0s0" which indicates configuration information such as "cluster value," and which information is used to configure and access the devices in the cluster (see col. 14, lines 50-67). Therefore, Viswanathan teaches storing configuration information in the logical name in the system (i.e. the "URL" in the combined system taught by Viswanathan and Pallman).

Because Examiner is not persuaded by Applicant's arguments, the claims remain rejected for the reasons stated in the final office action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Edelman whose telephone number is (703) 306-3041. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on (703) 305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

For all After Final papers: (703) 746-7238.

For all other correspondences: (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

BE
August 18, 2003



Dung C. Dinh
Primary Examiner